

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:08-cv-132-D

RANDOLPH SHAW,
Plaintiff

vs.

MICHAEL ASTRUE,
Commissioner of Social Security,
Defendant

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ORDER


This matter is before the court on the motion for attorneys' fees filed by plaintiff counsel, Elizabeth F. Lunn, on March 7, 2011. Pursuant to 42 U.S.C. § 406(b), whenever the court renders a judgment favorable to a claimant, it may award attorneys' fees not to exceed 25% of past due benefits. Such fees may be granted even where the past due benefits are granted by the Commissioner after remand from the court.

In the instant case, the fee agreement between plaintiff and counsel provides for a contingency fee of 25% of past due benefits. In these circumstances, the reviewing court does not calculate a lodestar amount; it simply reviews the fee claimed for reasonableness. See *Mudd v. Barnhart*, 418 F.3d 424, 427-28 (4th Cir. 2005) (citing *Gisbrecht*, 535 U.S. at 801, 808).

The court has reviewed the amount requested by counsel and finds it to be reasonable. Accordingly, counsel' motion is ALLOWED. Plaintiff was awarded \$61,083.00 in past due benefits at the administrative level after this court entered judgment remanding his claim to the Commissioner. Because counsel has already been

awarded \$5,300.00 in fees at the administrative level, the Social Security Administration shall release the sum of \$9,970.25 to plaintiff's counsel as attorneys' fees for services rendered before this court.

This the 15 day of April, 2011.


United States District Court Judge